IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 20167 of 2004

Between:

B. Chalama Reddy S/o Siva Reddy,
R/o Yerrangivandlapalli Village, Hasanapuram Post,

Ramapuram Mandal,
Kadapa District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Kadapa.
2 The Collector (Civil Supplies), Kadapa.
3 The Mandal Revenue Officer, Ramapuram.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of a Writ of Certiorari call for the records and quash the impugned order in Ref.C./830/2004 dt 15-10-2004 issued by the 1st respondent as highly illegal, arbitrary and violative of principles of natural justice.

Counsel for the Petitioner: MRS.S.NANDA

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

ORDER:

The petitioner is the authorized dealer of the Fair Price Shop at Yerrangivandlapalli Village, Ramapuram Mandal, Kadapa District. This writ petition is filed aggrieved by the order dated 15-10-2004, passed by the 1st respondent-Revenue Divisional Officer, Kadapa, suspending the authorization of the petitioner, pending enquiry into the alleged irregularities in distribution of the essential commodities.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents.

The learned counsel for the petitioner vehemently contended that all the allegations made against the petitioner are false and without any basis, and at any rate being trivial in nature, the suspension of the authorization pending enquiry is unwarranted. Learned counsel also contended that the action of the 1st respondent in concluding that the alleged irregularities are grave in nature, without enquiring into the allegations and without even issuing a notice to the petitioner is highly arbitrary and illegal.

It is not in dispute that the impugned suspension is pending enquiry into the alleged irregularities. The impugned order specifically mentions that the petitioner will be given an opportunity by way of show cause notice to offer explanation and a final order will be passed at the earliest. Hence, I do not find any merit in the contention that the issue is predetermined and that the order is in violation of the principles of natural justice. I am also not inclined to go into the correctness of the allegations since it is a matter for enquiry by the 1st respondent after considering the explanation of the petitioner.

In the circumstances, without expressing any opinion on correctness of the allegations made, I deem it appropriate to dispose of the writ petition with a direction to the 1st respondent to complete the enquiry as expeditiously as possible preferably within a period of four weeks from the date of receipt of this order, and to pass appropriate orders in accordance with law, after affording due opportunity to the petitioner to rebut the allegations made. It is also made clear that the 1st respondent shall conduct the enquiry uninfluenced by any one of the findings or observations made in the impugned order.

The writ petition is accordingly disposed of. No costs.

_____

03-11-2004

Note: Issue C.C in two days.

B/o.

vs

To

1 The Revenue Divisional Officer, Kadapa.
2 The Collector (Civil Supplies), Kadapa.
3 The Mandal Revenue Officer, Rapuram.

4 2CCs to the G.P for Civil Supplies, High Court Buildings,

Hyderabad.(O.U.T)

5 2CD copies